

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.256 OF 2006

DATED 31st JANUARY, 2013.

BETWEEN :

B.Krishnaiah

.. Petitioner-A.1

and

The State of A.P.

..Respondent

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.256 OF 2006

ORDER:

Petitioner-A.1 filed this Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Criminal Procedure Code (in short 'Cr.P.C.') being aggrieved by the judgment dated 02.02.2006 rendered in Criminal Appeal No.117 of 2002 by the I Additional Sessions Judge, Mahabubnagar.

Initially, petitioner herein was prosecuted along with four others in C.C.No.655 of 2000 by the Judicial Magistrate of First Class, Achampet, wherein vide judgment dated 25.07.2002 A.1 to A.4 were convicted under Section 248 (2) Cr.P.C. and A.1 and A.3 were sentenced to undergo simple imprisonment for two years each and to pay fine of Rs.2,000/- each for the offence punishable under Section 498A of Indian Penal Code (in short 'IPC'), A.1 was sentenced to undergo simple imprisonment for three years and to pay fine of Rs.3,000/- for the offence punishable under Section 494 IPC and further A.2 to A.4 were sentenced to undergo simple imprisonment for two years and to pay fine of Rs.2,000/- for the offence punishable under Section 494 read with 109 IPC while case against A.5 was abated. Challenging the same, A.1 to A.4 preferred Criminal Appeal

No.111 of 2002.

In appeal, the learned Appellate Judge while acquitting A.2 to A.4 for the charges levelled against them confirmed the conviction imposed on A.1 only to the extent of Section 498A IPC and reduced the sentence of imprisonment to one year and enhanced the fine amount to Rs.5,000/- for the said offence. Aggrieved over the same, present revision has been preferred.

Heard and perused the entire material on record.

This is a case where both the Courts below gave concurrent findings against A.1 for the offence punishable under Section 498A IPC by adducing proper reasons and the prosecution is also able to prove its case with the oral evidence of PWs 1 to 10 and documentary evidence of Exs.P.1 to P.4. Hence, this Court is not inclined to interfere with the conviction imposed on the revision petitioner for the offence punishable under Section 498A IPC. However, in view of the fact that the entire record reveals that the main grievance of the *de facto* complainant against A.1 is that he had illicit intimacy with another lady, this Court is of the view that the sentence of imprisonment imposed on the revision petitioner can be reduced to some extent.

Therefore, the conviction imposed on the revision petitioner by the trial Court and modified by the appellate Court is hereby confirmed. However, the sentence of imprisonment imposed on the revision petitioner is hereby reduced to that of the period already undergone by him in prison. Further, the revision petitioner shall pay an additional fine amount of Rs.3,000/- (Rupees Three Thousand only) before the trial Court on or before 30.03.2013 failing which he shall undergo simple imprisonment for three months.

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 31.01.2013

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